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TAGS: PHUM PREL PGOV CH

SUBJECT: HUMAN RIGHTS: GAO ZHISHENG GIVEN SUSPENDED SENTENCE OF THREE YEARS ON SUBVERSION CHARGES

REF: A. FBIS CPP20061222968052

1B. BEIJING 24498

1C. BEIJING 21895

Classified By: Political Internal Unit Chief Susan Thornton.
Reasons 1.4 (b) and (d).

Summary

11. (C) Beijing rights lawyer Gao Zhisheng was given a three-year sentence for subversion with a five year suspension, according to a Xinhua News Agency report. Gao was accused of posting nine seditious articles that defamed China's government and system, according to the report. Fellow activists told poloff that the suspended sentence means that Gao should be released soon on a form of probation that will include deprivation of political rights for one year. They asserted that Chinese authorities hoped to be able to thus limit Gao's influence while avoiding the harsh international criticism. The Embassy raised the case with the MFA Human Rights Division on December 22. End summary.

Three-year Suspended Sentence for Subversion

12. (C) Beijing-based activist lawyer Gao Zhisheng was handed a three-year sentence, suspended for five years with deprivation of political rights for one year on December 122. According to the Xinhua report (Ref A), which was issued only in English, the court found that Gao had posted nine seditious articles that "defamed and made rumors about China's current government and social system, conspiring to topple down the regime." Fellow activists assert that Gao ran afoul of authorities for defending dissidents in politically sensitive cases and for criticizing Chinese leaders.

13. (C) According to Teng Biao (protect), another activist lawyer in Beijing, Gao's suspended sentence means he should be released "very soon." Because Gao still does not have a defense lawyer, however, no one knows for certain his circumstances, with the English-language Xinhua announcement being the only source of information. The report alleged that Gao "voluntarily reported others' offences," which won him leniency. (Note: Teng also related that he himself has been placed under house arrest. End note.) Separately, rights activist Hu Jia (protect) told poloff that he had been expecting today's announcement, because beginning last night, Supreme People's Court security personnel were put on alert and a number of activists in the "rights protection" movement of which Gao is a part were put under house arrest, including Teng Biao.

14. (C) Although Gao Zhisheng's three-year suspended

sentence may appear "light" in today's environment, it is clearly a calculated move designed to counter international criticism and undercut Gao's rising stature, Hu Jia said. It has nothing to do with leniency or the pursuit of justice. Now that Gao has been given a suspended sentence, he should soon be released but will likely be placed under the equivalent of house arrest for at least one year. Gao will be forbidden from publishing, giving interviews or traveling for one year and will continuously live under the threat of rearrest during the five years that his sentence is "suspended," Hu explained. In this way, Chinese authorities hope to control Gao and limit his influence, while simultaneously being able to tell the international community that he is a free man.

¶5. (C) The Embassy raised concerns about the case with MFA Human Rights officer Xu Jing on December 22. Xu was unaware of the verdict, but said she would look into it.

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